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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/668,162	09/25/2000	Tetsuro Motoyama	194901US-2	1731

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

EL CHANTI, HUSSEIN A

ART UNIT PAPER NUMBER

2157

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/668,162

Applicant(s)

MOTOYAMA ET AL.

Examiner

Hussein A El-chanti

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 7 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

1. This action is responsive to communication received on Sep. 25, 2000. Claims 7 and 20 were canceled. Claims 1, 3, 5, 8, 10-12, 14, 15 and 17-19 were amended. Claims 1-20 are pending examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 5-8 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Chou, U.S. Patent No. 6,327,533.

As to claims 1, 8 and 14, Chou teaches a computer implemented position tracking system, method and computer program comprising:

means for selecting a destination of position information related to a remotely located device (see col. 4 lines 39-64);

means for selecting a data format for the position information (see col. 6 lines 59- col. 7 lines 7);

means for transmitting said position information to said selected destination in said selected data format (see col. 3 lines 25-43);

means for receiving said position information from the remotely located device via a wide area network using a protocol (see col. 3 lines 25-43); and

means for mapping the received position information as location indicators on a map (see col. 10 lines 57-col. 11 lines 13).

As to claim 2, Chou teaches the system of claim 1 wherein at least a portion of the wide area network comprises the internet (see col. 4 lines 39-45).

As to claim 5, Chou teaches the system of claim 1 wherein:

said at least one of compatible position information and incompatible position information comprises historical position information corresponding to a time when said system was inactive (see col. 4 lines 55-65 and col. 6 lines 45-58); and

said position information mapping mechanism further comprises a historical mapping mechanism configured to present the historical information as location indicators on a map (see col. 10 lines 57-col. 11 lines 13, col. 3 lines 20-25 and col. 5 lines 14-27 and 40-45).

As to claim 6, Chou teaches the system of claim 1 wherein said location indicators indicate at least one of a current position of said remotely located device and a path taken by said remotely located device (see col. 3 lines 20-25 and col. 5 lines 14-27 and 40-45).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chou in view of Fenton et al., U.S. Patent No. 6,618,004 (referred to hereafter as Fenton).

As to claim 3, Chou teaches a computer implemented position tracking system comprising:

means for selecting a destination of position information related to a remotely located device;

means for selecting a data format for the position information;

means for transmitting said position information to said selected destination in said selected data format;

means for receiving said position information from the remotely located device via a wide area network using a protocol; and

means for mapping the received position information as location indicators on a map (see the rejection of claim 1).

Chou does not explicitly teach the limitation "protocol comprises at least one of a store-and-forward protocol and a direct connection protocol". However Fenton teaches a system for displaying the location of a moveable object on a remote device by using a direct connection protocol (see col. 4 lines 33-54).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Chou by implementing a direct connection protocol in the communication system as taught by Fenton because doing so would allow the tracking

device to send location data from a remote location to a server using direct connection protocol and therefore resulting in a real time transmission and displaying real time location on a remote device.

As to claim 4, Fenton teaches the protocol comprises a file transfer protocol (see col. 4 lines 33-54).

4. Applicant's arguments filed have been fully considered but they are not persuasive.

In the remarks, the applicant argues in substance that; A) Chou does not teach means for selecting a destination of position information related to a remotely located device B) Chou does not teach means for selecting a data format for the position information;

In response to A) Chou teaches a system comprising a client device and a central server where the client sends position information to the central server. The client device automatically selects the protocol and the destination address of the central server to send the position data (see col. 4 lines 39-64). However there is no limitation on the method in which the destination is selected or which device selects the destination and therefore the automatic selection of the central server as a destination by the client device of Chou meets the scope of the claimed limitation "means for selecting a destination of position information related to a remotely located device".

In response to B) Chou similarly teaches means for selecting a data format for the position information is done automatically by the client device where the client device chooses a format that is compatible with the server and then sends the position

information to the server using the determined format (see col. 6 lines 59-col. 7 lines 7).

There is no limitation on the method in which the format is being selected or which devices selects the format and therefore the automatic selection of the format taught by Chou meets the scope of the claimed limitation "means for selecting a data format for the position information".

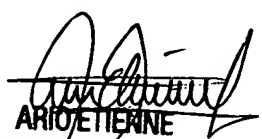
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A El-chanti whose telephone number is (703)305-4652. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hussein El-chanti

May 28, 2004


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100